IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 233 of 1998

Between:

1. Kotha Kurma Ailaiah, S/o. Venkaiah, aged about 80 years, occ: Agriculture,
2. Kotha Kurma Beeraiah, s/o Ailaiah, aged 45 years, occ: Agrl.
3. Kotha Kurma Narsaiah, s/o Ailaiah, aged about 35 years, occ:Agrl.
4. Kothakurma Venkaiah s/o Ailaiah, aged about 30 years, occ: Agrl.

All R/o Dharmareddipally village, Gajwel mandal, Medak District.

..... PETITIONERS

AND

1 The District Collector, Medak District, Sanga Reddy.
2 Mandal Revenue Officer, Gajwel Mandal, Medak District.
3 Mandal Development officer, Gajwel Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ more Particularly one in the Nature of Writ of Mandamus declaring the actions of the Respondents in acquiring the agricultural lands bearing survey Nos. 199, 309, 310, 257 and 293; admeasuring o.09 1/2; 1.31; 0.34; 1.30 and 0.14 1/2 situated at Dharmareddipally Village, Gajwel Mandal, Medak

District without following the due process of law as illegal, arbitrary, contrary to the provisions of the act and violative of principles of Natural Justice and fundamental Rights and consequently direct the Respondents not to acquire the lands.

For the Petitioner: MR.G.ANANDAM, Advocate

For the Respondent Nos 1 to 3.: GP FOR REVENUE

The Court made the following :

ORAL ORDER

The grievance of the petitioners is that the respondents are trying to acquire the agricultural lands belonging to them bearing survey Nos. 199, 309, 310, 257, and 293, admeasuring 0.09 ½, 1.31, 0.34, 1.30 and 0.14½ respectively situated at Dharmareddipally village, Gajwel mandal, Medak District as illegal and arbitrary.

When this writ petition was admitted, this Court passed interim direction on 06-01-1998 directing the respondents not to evict the petitioners from the petition schedule lands otherwise than by initiating the proceedings under the Land Acquisition Act, 1894.

I am of the view that if the petitioners are the absolute owners of the petition schedule lands and if the Government wants to acquire the same for some public purpose, the only course left open to them is to acquire the same by initiating proceedings under the Land Acquisition Act.

Accordingly, this writ petition is allowed with a direction to the respondents to initiate Land Acquisition proceedings, if they choose to acquire the lands. No costs.

6th December, 2004

vp

ASST. REGISTRAR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Sixth day of December, two thousand and four.

Asst. Registrar

To

1. The District Collector, Medak District at Sanga Reddy,
2. The Mandal Revenue Officer, Gajwel Mandal, Medak Dist.
3. The Mandal Development Officer, Gajwel mandal, Medak District,
4. 2 C.Cs to Govt. Pleader for Revenue, High Court buildings, Hyderabad (O.U.T.)
5. 2 C.D. copies.